(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

S.A. NO. 413 /2006 (S.B.)

APPELLANT : Smt. Teejo Devi Jain
aged about 73 years,
W/o Prem Chand Jain
R/o House No. 347, Samta Colony
Raipur Through Smt. Laxmi Jain
Power of Attorney Holder, W/o
Rajendra Kumar Jain aged 50 years,
R/o LIG-39, Sector-3, Devendra
Nagar, Raipur (C.G.)

PLAINTIFF

P.R. No. 1533/06
Presented by Shri R.K. Bhargava
dated 12/06/06

VERSUS

RESPONDENT : Shubhashish Saha, S/o Late S.N.
Saha, Aged about 43 years,
R/o LIG-38, Sector-3, Devendra
Nagar, Raipur (C.G.)

Defendant

SECOND APPEAL U/S. 100 OF THE CODE OF

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक S.A. No. 413/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08-11-2006

Shri Abhay Tiwari, learned counsel for the appellant.

Heard on I.A.No.3162/2006 for taking document on record.

Considered and allowed. Document is taken on record.

Also heard on admission.

The appellant-plaintiff filed a suit (Civil Suit No.24-A/2005) in the Court of Vth Civil Judge Class-II, Raipur for declaration of title and permanent injunction against the defendant/respondent on the ground that the defendant/respondent had encroached upon the plot allotted to the appellant-plaintiff and was trying to construct a wall. The learned trial Judge dismissed the suit while holding that the plaintiff has failed to prove encroachment by the defendant on portion of the plot No.LIG-E-39. First Appeal (Civil Appeal No.64-A/2006) preferred by the plaintiff/appellant was also dismissed.

In this view of the matter, there is a concurrent finding of fact recorded by both the Courts below which negatives the pleading of the appellant-plaintiff regarding any encroachment on the suit plot by the defendant/respondent. As such, there is no substantial question of law which arises for determination in this Second Appeal No.413/2006. Since this appeal does not involve any substantial question of law it is dismissed at the stage of admission. No order as to costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

P.T.O.